

REMARKS

Reconsideration and allowance of this application are respectfully requested.

In view of the restriction requirement, applicants hereby elect to further prosecute on their merits claims 8-9 of Invention II. Claims 1-7 of Invention I and claims 10-16 of Invention III are hereby withdrawn as being directed to non-elected inventions. Claims 1-7 and 10-16 are cancelled herein. Applicants reserve the right to present claims 1-7 and 10-16 in one or more divisional patent applications.

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Geurtsen et al. (U.S. Patent 6,537,651) in view of Benitez (U.S. Patent 4,321,185). Claim 9 has been amended to recite that the blends of polyester resins are void of any cross-linking agent. It is submitted that Geurtsen uses a cross-linking agent to combine the resins (col. 7, line 62 to col. 8, line 4). Also, all of the examples disclosed in Geurtsen employ a cross-linking agent. Benitez also uses polyisocyanate catalyst for cross-linking (col. 2, lines 5-6). Thus, the present invention as amended herein is unobvious and patentably distinct from the cited prior art. Moreover, Geurtsen's label requires a three layer coating (protective, colored and adhesive), whereas the present invention achieves abrasion, resistance, hardness, flexibility, chemical resistance, color and heat-activatable adhesion in a single layer. Moreover, Geurtsen's label contains 7.7% to 13.0% silica-, an additive that produces an opaque, matte finish and decreased adhesion to the contrain being labeled. The present invention, on the other hand, without silica has excellent clarity, adhesion, gloss and abrasion resistance. Geurtsen's use of silica would not be utilized in a single coating layer since it would not bond to glass or plastic substrates being labeled, and thus


would require a separate adhesive layer. As to Benitez, the disclosed ink attains its hardness and abrasion resistance using the polyisocyanate catalyst for cross-linking, as mentioned above.

In view of the foregoing differences between the present invention and the cited prior art, claim 9 is not obvious in view of Geurtsen and Benitez. It is requested that the rejection of claim 9 under 35 U.S.C. 103(a) be withdrawn.

Claim 8 was deemed allowable over the prior art of record. Applicants appreciate the Examiner's finding that claim 8 recites patentable subject matter.

In view of the foregoing amendments and remarks, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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